

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 7054**

**BILL NUMBER:** SB 273

**NOTE PREPARED:** Jan 3, 2006

**BILL AMENDED:**

**SUBJECT:** Abandoned Embryos and Adoption Matters.

**FIRST AUTHOR:** Sen. Miller

**BILL STATUS:** As Introduced

**FIRST SPONSOR:**

**FUNDS AFFECTED:** X **GENERAL**  
**DEDICATED**  
**FEDERAL**

**IMPACT:** State

**Summary of Legislation:** This bill excludes gestational carriers from the definition of surrogacy. The bill states that the General Assembly favors the public policy of the right of a child to a permanent and secure home and that this right outweighs the inconvenience caused to a nonresident who is served notice in an adoption proceeding. The bill specifies that a voluntary termination of parental rights is irrevocable and may not be set aside except for specified circumstances.

The bill also requires the Health Finance Commission to study specified issues concerning assisted reproduction, infertility, gestational agreements, and surrogacy agreements.

**Effective Date:** July 1, 2006.

**Explanation of State Expenditures:** This bill requires the Health Finance Commission to study additional issues concerning assisted reproduction, infertility, gestational agreements and surrogacy agreements in the 2006 interim. The Health Finance Commission is a standing committee consisting of 25 legislators that operates under the policies governing study committees adopted by the Legislative Council. Legislative Council resolutions in the past have established budgets for interim study committees in the amount of \$16,500 per interim for committees with 16 members or more.

**Explanation of State Revenues:** This bill creates a new misdemeanor, that of unlawful destruction of an embryo. If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

**Explanation of Local Expenditures:** A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

**Explanation of Local Revenues:** If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

**State Agencies Affected:**

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:**

**Fiscal Analyst:** Kathy Norris, 317-234-1360.